**From:** Tom Bryan
**To:** Microsoft ATR
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**Subject:** Microsoft Settlement

I am disappointed with the provisions outlined in the "Stipulation and Revised Proposed Final Judgment" in United States v. Microsoft Corp., Civil No. 98-1232. After reading Judge Jackson's findings of fact in this case, I had expected a much stricter remedy.

I am a professional software engineer and a computer hobbyist. I use 4 different operating systems almost every day, and only one of those is a Microsoft operating system. I program in several cross-platform (i.e., the same program runs unmodified on different operating systems) computer languages, including Java, Python, and Perl. Because Microsoft has a monopoly on PC operating systems, I must always consider how my programs will interoperate with Microsoft's operating system and the applications that Microsoft bundles with its operating system in an abuse of its operating system monopoly. I am extremely concerned by the stifling of good, innovative ideas by Microsoft's monopoly.

In its current form, the "Stipulation and Revised Proposed Final Judgment" does not appear to directly address Microsoft's business practices that lead to its conviction for abusing its monopoly power in the PC operating system market. Microsoft has been able to leverage its operating system to force its applications as "de facto" standards. The only ways to prevent Microsoft from continuing to abuse its monopoly in this way are to force it to produce complete documentation of its file formats and APIs or to forbid Microsoft from bundling any application with its operating system. The first option would permit competitors to create solutions that interoperate with Microsoft's products and operating system. Users could choose these competing products if they desired because they would still be able to exchange documents and connect their systems to systems running Microsoft's operating systems and applications. The second option would force Microsoft's application developers to compete directly with other application developers to sell products to run on Microsoft's operating system. The second option would be difficult to enforce without splitting Microsoft into multiple companies.

Although the proposed final judgment contains provisions requiring the release of documentation, non-commercial entities seem to be ignored in the list of parties who might request the documentation. Since several of the most viable competitors to Microsoft's operating system monopoly (e.g., GNU/Linux, GNU/HURD, and FreeBSD) are developed by individuals in a volunteer or non-commercial capacity, I fear that Microsoft will use the exclusions in the proposed final judgment to stifle competition from these developers. Many businesses that do not directly use one of these operating systems still use software and middleware developed for one of these operating systems in their commercial products. For example, my company's software requires a

product developed by volunteers called SAMBA to share files with Microsoft operating systems. If the SAMBA developers were unable to access appropriate API documentation from Microsoft, it would cripple of the functionality of my application.

I also program for a non-profit organization in my free time. I am concerned that this organization will not be able to access the documentation it needs from Microsoft in developing its software. Excluding non-commercial entities from accessing documentation of Microsoft file formats, communication protocols, etc. is an unacceptable restriction that would place non-profit organizations and volunteer programmers at an unfair disadvantage when attempting to interact with Microsoft's operating system. It would also stifle some of the products that are crucial in the current competition to Microsoft's operating system.

As a user of the GNU/Linux PC operating system, I would like the remedy to require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware. Since Microsoft has a monopoly on PC operating systems, many hardware vendors only release their specifications to Microsoft. To further competition to this operating system monopoly, others need hardware specifications to develop competing solutions. Coupling Microsoft's hardware certification with a requirement to make the hardware specifications openly available would put pressure on hardware manufacturers to foster competition in the PC operating system market.

I find the current proposed final judgment in this case to be completely unacceptable. I feel that the Department of Justice is permitting a company that was convicted of abusing its monopoly in my industry to return to the same abusive business practices. I see no provision to prevent Microsoft from bundling applications with its operating system, which would seem to be the most logical remedy since it was originally charged with unfairly bundling a browser with its operating system. Although the remedy contains provisions to require the release of documentation by Microsoft, those provisions contain too many loop holes that permit Microsoft to exclude the competitors it fears the most, such as the developers of the GNU/Linux operating system and supporting software. I would like to see these deficiencies in the proposed remedy corrected.

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